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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MILLER, JONATHAN R

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,554

Applicant(s)

BAYER, THOMAS

Examiner

Jonathan R. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1- 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 recites the limitation "the distribution address" in line 7. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 1 recites the limitation "the latter" in line 8. There is insufficient antecedent basis for this limitation in the claim. Applicant should just directly reference what "the latter" is referring to in order to avoid confusion.
5. In claim 1, the phrase "and/or" renders the claim indefinite.
6. In claim 1, what is meant by "the maximum multiple delivery rate"?
7. Claim 1 recites the limitation "the sorting endpoint number" in line 24. There is insufficient antecedent basis for this limitation in the claim.
8. In claim 1, line 22, what is "their" referring to?
9. Claim 1 recites the limitation "the order" in line 25. There is insufficient antecedent basis for this limitation in the claim.
10. Claim 1 recites the limitation "the associated endpoint number" in line 26. There is insufficient antecedent basis for this limitation in the claim.

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Claim 1 recites the limitation "the distribution code" in line 29. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 1 recites the limitation "the characteristic feature set" in line 31. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 1 recites the limitation "the second and each further" in line 33. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 1 recites the limitation "the associated endpoint or number" in page 2, line 3. There is insufficient antecedent basis for this limitation in the claim.

14. In claim 1, line 3, what is "they" referring to?

15. Claim 1 recites the limitation "the database section relevant to the respective container" in page 2, line 6. There is insufficient antecedent basis for this limitation in the claim.

16. Claim 1 recites the limitation "the defined characteristic feature set" in page 2, line 10. There is insufficient antecedent basis for this limitation in the claim.

17. Claim 1 recites the limitation "the first item of mail" in line 14. There is insufficient antecedent basis for this limitation in the claim.

18.

In claim 1, line 26, what is "this feature set" referring to?

19. In claim 1, line 27, what is "this procedure" referring to?

20. Claim 2 recites the limitation "the order of the containers" in line 2. There is insufficient antecedent basis for this limitation in the claim.

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21. Claim 2 recites the limitation "the other" in line 2. There is insufficient antecedent basis for this limitation in the claim.
22. Claim 2 recites the limitation "the respective last item" in line 3. There is insufficient antecedent basis for this limitation in the claim.
23. Claim 2 recites the limitation "the first item of mail after each sorting endpoint"" in line 3. There is insufficient antecedent basis for this limitation in the claim.
24. Claim 3 recites the limitation "the database sections" in line 2. There is insufficient antecedent basis for this limitation in the claim.
25. Claim 3 recites the limitation "the relevant containers" in line 3. There is insufficient antecedent basis for this limitation in the claim.
26. Claim 3 recites the limitation "these sorting machines" in line 7. There is insufficient antecedent basis for this limitation in the claim.
27. Claim 4 recites the limitation "the relevant database contents" in line 2. There is insufficient antecedent basis for this limitation in the claim.
28. Claim 5 is indefinite because the claimed apparatus lacks any structural limitations. It is not proper to claim an apparatus dependent from a method claim. Furthermore, claim 5 fails to further limit the independent claim 1, because claim 5 does not further limit a method for sorting mail.
29. Claim 6 recites the limitation "the database sections" in line 2. There is insufficient antecedent basis for this limitation in the claim.
30. Claim 6 recites the limitation "the relevant containers" in line 3. There is insufficient antecedent basis for this limitation in the claim.

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31. Claim 6 recites the limitation "these sorting machines" in line 7. There is insufficient antecedent basis for this limitation in the claim.

32. Claim 7 recites the limitation "the relevant database contents" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

33. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

34. Claims 1 – 7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lohmann.

Conclusion

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R. Miller whose telephone number is (703) 305-5778. The examiner can normally be reached on M-F: 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703) 306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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